

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-24029-BLOOM

JOB DORRIELAN,

Petitioner,

v.

ICE, et. al.,

Respondent.

ORDER

THIS CAUSE came before the Court on Petitioner Job Dorrielan's Motion to Reopen Case, ECF No. [24], docketed on February 2, 2023. Petitioner requests that the Court consider reopening the above-styled action, which was stayed pending Petitioner's removal from the United States. ECF Nos. [11], [21]. For the following reasons, the Motion is denied as moot and the Petition is dismissed without prejudice.

As indicated in Respondent's Response, *see* ECF No. [10] at 3, Petitioner has not yet been in immigration custody for 180 days. The U.S. Supreme Court has held that six months is the limit to a presumptively reasonable period of detention following a final order of removal pursuant to the Immigration and Nationality Act. 8 U.S.C. § 1231(a)(6); *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). The record indicates that Petitioner has been in the custody of ICE since September 7, 2022, ECF No. [10-1] ¶ 7, and that Petitioner filed the instant Petition on December 12, 2022, ECF No. [1]. Because Petitioner filed the Petition less than three and a half months since the time he was taken into custody, Petitioner's Motion is premature and therefore due to be dismissed without prejudice at this time. *See Gardiner v. Barr*, No. 1:20-CV-20660, 2020 WL 1033398, at *2 (S.D.

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Fla. Mar. 2, 2020) (dismissing Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 where petitioner filed Petition approximately four and a half months after he was taken into custody).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Petitioner's Motion to Reopen Case, **ECF No. [24]**, is **DENIED AS MOOT**;
2. The above-styled case is **DISMISSED WITHOUT PREJUDICE**.
3. To the extent not otherwise disposed of, all pending motions are **DENIED AS MOOT** and all deadlines are **TERMINATED**;
4. The Clerk of Court is directed to **CLOSE** this case.

DONE AND ORDERED in Chambers at Miami, Florida, on February 7, 2023.

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

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